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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,546

01/29/2004

Thomas J. Daley

069547.0163

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EXAMINER

VIZVARY, GERALD C

ART UNIT

PAPER NUMBER

3694

NOTIFICATION DATE

DELIVERY MODE

02/04/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/766,965

**Applicant(s)**

DALEY ET AL.

**Examiner**

GERALD C. VIZVARY

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u>                                    | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following is a non-final office action in response to the communications received on 1/29/2004. Claims 1-33 are now pending in this application.

#### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 1/29/2004, 11/18/2005, 3/3/2006, 1/11/2007, 2/16/2007, 4/9/2007, 5/17/2007, 11/15/2007, 11/27/2007 & 12/11/2007 were considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9, 20 & 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially" in claims 9, 20 & 31 is a relative term which renders the claim indefinite. The term "substantially simultaneously" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Buist 6,408,282.

As per claim 1, Buist 6,408,282 teaches a system for avoiding costs associated with trading orders, comprising:

a memory operable to store an order identifier associated with a trading order, and a time threshold associated with the trading order ("It should be noted that a typical computer system that may be employed here as a server or a workstation includes a central processing unit, a primary memory, e.g., RAM, one or more secondary memory storage devices, e.g., floppy or hard disk drives, CD-ROMs, DVDs, or tapes, and communication interfaces, e.g., a modem, a network interface, or other connection to external electronic devices, such as a serial or parallel port." Buist 6,408,282 col.7 Lines 29-36) and

("If the transaction is approved, at step 354, the server of the broker/dealer sends the user's approved sell order to the root server 50, which attaches a system ID to the order, identifying the user's account, his order (stock symbol, size, price, and whether buy or sell), and his broker/dealer. Buist 6,408,282 col.10 Lines 7-11);

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a processor coupled to the memory and operable to: monitor the length of time the trading order is active with a market center that is processing the trading order ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115." Buist 6,408,282 col.28 Lines 54-58);

determine a timeout when the length of time the trading order is active with the market center equals or exceeds the time threshold ("The user enters the lower time limit he will accept in the box 4120 under question 4." Buist 6,408,282 col.28 Lines 58-62); and communicate a cancel instruction for the trading order in response to determining the timeout ("For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 58-62)

As per claim 2, Buist 6,408,282 teaches a system of Claim 1, wherein:

The order identifier comprises an internal order identifier, the memory further operable to store an external order identifier associated with the internal order identifier and the trading order; and the processor is further operable to ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25):

communicate an order instruction for the trading order in response to determining the timeout ("The user inputs the desired time incremental change to be caused by clicking the time change buttons ("Time Up" and "Time Down") (see FIG. 42) into the box 4130 under question 6." Buist 6,408,282 col. 29 Lines 5-8); and

assign a new internal order identifier associated with the order instruction ("If the transaction is approved, at step 354, the server of the broker/dealer sends the user's approved sell order to the root server 50, which attaches a system ID to the order, identifying the user's account, his order (stock symbol, size, price, and whether buy or sell), and his broker/dealer." Buist 6,408,282 col. 10 Lines 7-11).

As per claim 3, Buist 6,408,282 teaches a system of Claim 1, wherein the processor begins monitoring the length of time the trading order is active with the market center in response to receiving an acknowledgment that the trading order is active with the market center ("At step 3070, the user receives the alert(s) and selects the stock from the stock summary display for detailed view in the order book. The user may cancel the alerts or revise the alert criteria (see 3075) and the system continues to monitor the selected stocks based on the user's criteria (see 3080)." Buist 6,408,282 col. 23 Lines 52-57).

As per claim 4, Buist 6,408,282 teaches a system of Claim 1, wherein: the order identifier comprises an internal order identifier, the memory further operable to store an external order identifier associated with the internal order identifier and the trading order

("For each security in the user's account as identified by a standard symbol, the display indicates the number of units held, the cost per unit, the current price, the change in value and the dollar amount of the profit or loss." Buist 6,408,282 col. 13 Lines 50-54); and

the processor further operable to: receive a cancel request for the trading order, the cancel request specifying the external order identifier ("First, the user makes the decision, at step 2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730." Buist 6,408,282 col. 20 Lines 44-48); and

determine the internal order identifier associated with the external order identifier; wherein the cancel instruction specifies the internal order identifier ("The application, at step 2420, populates the master trade screen and trade ticket (see FIGS. 5 & 11) with information from the open order screen. At step 2425, the user changes information in the trade ticket, checks the final total cost of the trade, and, at step 2430, selects "Order Verification." Buist 6,408,282 col. 20 Lines 48-53).

As per claim 5, Buist 6,408,282 teaches a system of Claim 1, wherein: the order identifier comprises an internal order identifier, the memory further operable to store an external order identifier associated with the internal order identifier and the trading order ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided

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from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25); and

the processor: receives a first termination message indicating that the market center has terminated at least a portion of the trading order, the first termination message specifying the internal trading order ("First, the user makes the decision, at step 2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730." Buist 6,408,282 col. 20 Lines 44-42);

determines the external order identifier associated with the internal order identifier ("If the transaction is approved, at step 354, the server of the broker/dealer sends the user's approved sell order to the root server 50, which attaches a system ID to the order, identifying the user's account, his order (stock symbol, size, price, and whether buy or sell), and his broker/dealer. Buist 6,408,282 col.10 Lines 7-11); and

generates a second termination message for communication to a trader associated with the trading order, the second termination message specifying the external order identifier and indicating that the market center has terminated at least a portion of the trading order. ("The application transmits the user's request to the replica server which, in response, transmits information to the application concerning the price of the stock in different markets. The replica server continues to transmit that information in real-time until it receives notice from the application to terminate the transmission." Buist 6,408,282 col.24, Lines 16-22)



As per claim 6, Buist 6,408,282 teaches a system of Claim 1, wherein the trading order specifies at least one of a bid request and an offer request for a trading product, the trading order further specifying a quantity for the trading product. ("FIG. 47 illustrates how a user makes an offer to sell and then receives buy counteroffers. In the example, the user is RON-3. The user has made a sell offer 4710, which is displayed in the Incoming negotiations screen 4210. The user is offering to sell 2000 shares of the stock whose symbol is "T" 4750, at a price per share of 152.5, and would prefer to have 10 minutes to consider counteroffers." Buist 6,408,282 col.31, Lines 48-54)

As per claim 7, Buist 6,408,282 teaches a system of Claim 1, wherein the time threshold specifies a length of time that is a predetermined amount of time less than the length of time the market center will process the trading order before charging a transaction cost. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62) The user can thus adjust the time limit to correspond to the transaction time criteria of any given trade provider.

As per claim 8, Buist 6,408,282 teaches a system of Claim 7, wherein the

predetermined amount of time comprises ten seconds. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62). It is inherent that as computational speeds increase the user is able to shorten the time selected.

As per claim 9, Buist 6,408,282 teaches a system of Claim 2, wherein the order instruction is communicated substantially simultaneously with the cancel instruction. ("First, the user makes the decision, at step 2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730. The application, at step 2420, populates the master trade screen and trade ticket (see FIGS. 5 & 11) with information from the open order screen. At step 2425, the user changes information in the trade ticket, checks the final total cost of the trade, and, at step 2430, selects "Order Verification." 6,408,282 col. 20 Lines 44-48)

As per claim 10, Buist 6,408,282 teaches a system of Claim 1, wherein the time threshold is further associated with the market center that is processing the trading order. ("The user enters his default preferred negotiation time in the box 4115 under

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question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62) The user can thus adjust the time limit to correspond to the transaction time criteria of any given trade provider.

As per claim 11, Buist 6,408,282 teaches a system of claim 1, wherein: the order identifier comprises an internal order identifier, the memory further operable to store an external order identifier associated with the internal order identifier and the trading order ("If the transaction is approved, at step 354, the server of the broker/dealer sends the user's approved sell order to the root server 50, which attaches a system ID to the order, identifying the user's account, his order (stock symbol, size, price, and whether buy or sell), and his broker/dealer. Buist 6,408,282 col.10 Lines 7-11); and

the processor: receives a first acknowledgment message indicating that the market center has filled at least a portion of the trading order, the first acknowledgment message specifying the internal trading order ("At step 358 the root server 50 updates the master database with user's order, and revises the order book for the selected stock. The new sell order information is transmitted, at step 362, to the replica servers 30 which update their respective replica databases to reflect this sell order." Buist 6,408,282 col.10 Lines 11-16);

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determines the external order identifier associated with the internal order identifier ("Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col.10 Lines 22-25); and

generates a second acknowledgment message for communication to a trader associated with the trading order, the second acknowledgment message specifying the external order identifier and indicating that the market center has filled at least a portion of the trading order. ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users." Buist 6,408,282 col.10 Lines 20-22)

As per claim 12, Buist 6,408,282 teaches a method for avoiding costs associated with trading orders, comprising:

storing an order identifier associated with a trading order ("If the transaction is approved, at step 354, the server of the broker/dealer sends the user's approved sell order to the root server 50, which attaches a system ID to the order, identifying the user's account, his order (stock symbol, size, price, and whether buy or sell), and his broker/dealer. Buist 6,408,282 col.10 Lines 7-11);

storing a time threshold associated with the trading order ("It should be noted that a typical computer system that may be employed here as a server or a workstation includes a central processing unit, a primary memory, e.g., RAM, one or more secondary memory storage devices, e.g., floppy or hard disk drives, CD-ROMs, DVDs,

or tapes, and communication interfaces, e.g., a modem, a network interface, or other connection to external electronic devices, such as a serial or parallel port." Buist 6,408,282 col.7 Lines 29-36);

monitoring the length of time the trading order is active with a market center that is processing the trading order ("At step 3070, the user receives the alert(s) and selects the stock from the stock summary display for detailed view in the order book. The user may cancel the alerts or revise the alert criteria (see 3075) and the system continues to monitor the selected stocks based on the user's criteria (see 3080)." Buist 6,408,282 col. 23 Lines 52-57);

determining a timeout when the length of time the trading order is active with the market center equals or exceeds the time threshold order ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115." Buist 6,408,282 col.28 Lines 54-58); and

communicating a cancel instruction for the trading order in response to determining the timeout. ("For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 58-62)

As per claim 13, Buist 6,408,282 teaches a method of Claim 12, wherein the order identifier comprises an internal order identifier, and further comprising:

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storing an external order identifier associated with the internal order identifier and the trading order ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25);

communicating an order instruction for the trading order in response to determining the timeout ("FIG. 24 is a flow diagram illustrating software which enables a user to execute a cancel order for a stock purchase that has already been entered. First, the user makes the decision, at step 2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730. The application, at step 2420, populates the master trade screen and trade ticket (see FIGS. 5 & 11) with information from the open order screen." Buist 6,408,282 col. 20 Lines 42-49); and

assigning a new internal order identifier associated with the order instruction. ("If the transaction is approved, at step 354, the server of the broker/dealer sends the user's approved sell order to the root server 50, which attaches a system ID to the order, identifying the user's account, his order (stock symbol, size, price, and whether buy or sell), and his broker/dealer. At step 358 the root server 50 updates the master database with user's order, and revises the order book for the selected stock." Buist 6,408,282 col. 10 Lines 7-13)

As per claim 14, Buist 6,408,282 teaches a method of Claim 12, wherein monitoring the

length of time the trading order is active with the market center is initiated in response to receiving an acknowledgment that the trading order is active with the market center ("To connect to the trading system of the preferred embodiment, a user at step 310 first activates the application which generates on the display screen of the user's workstation a connection status display (see FIG. 53) that establishes a connection to the server/database of the user's broker/dealer." Buist 6,408,282 col. 9 Lines 10-15).

As per claim 15, Buist 6,408,282 teaches a method of Claim 12, wherein the order identifier comprises an internal order identifier, and further comprising:

storing an external order identifier associated with the internal order identifier and the trading order ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25);

receiving a cancel request for the trading order, the cancel request specifying the external order identifier ("A "Cancel" button 730 at the lower left is used to cancel an order that is still open (see FIG. 24 for a description of how an open order is canceled)." Buist 6,408,282 col. 13, Lines 45-47); and

determining the internal order identifier associated with the specified external order identifier ("A "Sort" button 720 is used to display the open orders according to different parameters." Buist 6,408,282 col. 13 Lines 21-25);

wherein the cancel instruction specifies the determined internal order identifier. ("FIG. 24 is a flow diagram illustrating software which enables a user to execute a cancel order for a stock purchase that has already been entered. First, the user makes the decision, at step 2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730. The application, at step 2420, populates the master trade screen and trade ticket (see FIGS. 5 & 11) with information from the open order screen. At step 2425, the user changes information in the trade ticket, checks the final total cost of the trade, and, at step 2430, selects "Order Verification." Buist 6,408,282 col. 20 Lines 42-53)

As per claim 16, Buist 6,408,282 teaches a method of Claim 12, wherein the order identifier comprises an internal order identifier, and further comprising: storing an external order identifier associated with the internal order identifier and the trading order ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25);

receiving a first termination message indicating that the market center has terminated at least a portion of the trading order, the first termination message specifying the internal trading order ("First, the user makes the decision, at step 2410, to cancel an order in the



open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730. Buist 6,408,282 col. 10 Lines 44-48);

determining the external order identifier associated with the internal order identifier ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25); and

generating a second termination message for communication to a trader associated with the trading order, the second termination message specifying the external order identifier and indicating that the market center has terminated at least a portion of the trading order ("The application transmits the user's request to the replica server which, in response, transmits information to the application concerning the price of the stock in different markets. The replica server continues to transmit that information in real-time until it receives notice from the application to terminate the transmission." Buist 6,408,282 col.24, Lines 16-22)

As per claim 17, Buist 6,408,282 teaches a method of Claim 12, wherein the trading order specifies at least one of a bid request and an offer request for a trading product, the trading order further specifying a quantity for the trading product. ("FIG. 47 illustrates how a user makes an offer to sell and then receives buy counteroffers. In the example, the user is RON-3. The user has made a sell offer 4710, which is displayed in the In-

coming negotiations screen 4210. The user is offering to sell 2000 shares of the stock whose symbol is "T" 4750, at a price per share of 152.5, and would prefer to have 10 minutes to consider counteroffers." Buist 6,408,282 col.31, Lines 48-54)

As per claim 18, Buist 6,408,282 teaches a method of Claim 12, wherein the time threshold specifies a length of time that is a predetermined amount of time less than the length of time the market center will process the trading order before charging a transaction cost. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62.) The user can thus adjust the time limit to correspond to the transaction time criteria of any given trade provider.

As per claim 19, Buist 6,408,282 teaches a method of Claim 18, wherein the predetermined amount of time comprises ten seconds. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282

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col. 28 Lines 54-62). It is inherent that as computational speeds increase the user is able to shorten the time selected.

As per claim 20, Buist 6,408,282 teaches a method of Claim 13, wherein the order instruction is communicated substantially simultaneously with the cancel instruction. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62). It is inherent that as computational speeds increase the user is able to shorten the time selected.

As per claim 21, Buist 6,408,282 teaches a method of Claim 12, wherein the time threshold is further associated with the market center that is processing the trading order. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62.) The user can thus adjust the time limit to correspond to the transaction time criteria of any given trade provider.

22. The method of Claim 12, wherein the order identifier comprises an internal order identifier, and 25 further comprising:

storing an external order identifier associated with the internal order identifier and the trading order ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25);

receiving a first acknowledgment message indicating that the market center has filled at least a portion of the trading order, the first acknowledgment message specifying the internal trading order identifier ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25);

determining the external order identifier associated with the internal order identifier ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25); and  
generating a second acknowledgment message for communication to a trader associated with the trading order, the second acknowledgment message specifying the

external order identifier and indicating that the market center has filled at least a portion of the trading order. ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25)

As per claim 23, Buist 6,408,282 teaches a system for avoiding costs associated with trading orders, comprising:

a memory operable to store an order identifier associated with a trading order, and a time threshold associated with the trading order ("It should be noted that a typical computer system that may be employed here as a server or a workstation includes a central processing unit, a primary memory, e.g., RAM, one or more secondary memory storage devices, e.g., floppy or hard disk drives, CD-ROMs, DVDs, or tapes, and communication interfaces, e.g., a modem, a network interface, or other connection to external electronic devices, such as a serial or parallel port." Buist 6,408,282 col.7 Lines 29-36); and

a processor coupled to the memory and operable to: monitor the length of time the trading order is active with a market center that is processing the trading order ("It should be noted that a typical computer system that may be employed here as a server or a workstation includes a central processing unit, a primary memory, e.g., RAM, one or more secondary memory storage devices, e.g., floppy or hard disk drives, CD-ROMs,

DVDs, or tapes, and communication interfaces, e.g., a modem, a network interface, or other connection to external electronic devices, such as a serial or parallel port." Buist 6,408,282 col.7 Lines 29-36);

determine a timeout when the length of time the trading order is active with the market center equals or exceeds the time threshold ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115." Buist 6,408,282 col.28 Lines 54-58);

communicate a cancel instruction for the trading order in response to determining the timeout ("For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 58-62);

communicate an order instruction for the trading order in response to determining the timeout ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in the box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 58-62); and

assign a new order identifier associated with the order instruction ("FIG. 24 is a flow diagram illustrating software which enables a user to execute a cancel order for a stock purchase that has already been entered. First, the user makes the decision, at step

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2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730. The application, at step 2420, populates the master trade screen and trade ticket (see FIGS. 5 & 11) with information from the open order screen." Buist 6,408,282 col. 20 Lines 42-49).

As per claim 24, Buist 6,408,282 teaches a system of Claim 23, wherein the order identifier comprises an internal order identifier and the memory is further operable to store an external order identifier associated with the internal order identifier and the trading order ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25).

As per claim 25, Buist 6,408,282 teaches a system of Claim 23, wherein the processor begins monitoring the length of time the trading order is active with the market center in response to receiving an acknowledgment that the trading order is active with the market center ("At step 3070, the user receives the alert(s) and selects the stock from the stock summary display for detailed view in the order book. The user may cancel the alerts or revise the alert criteria (see 3075) and the system continues to monitor the selected stocks based on the user's criteria (see 3080)." Buist 6,408,282 col. 23 Lines 52-57)

As per claim 26, Buist 6,408,282 teaches a system of Claim 24, wherein the processor is further operable to: receive a cancel request for the trading order, the Cancel request specifying the external order identifier ("First, the user makes the decision, at step 2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730." Buist 6,408,282 col. 20 Lines 44-48); and

determine the internal order identifier associated with the specified external order identifier ("A "Sort" button 720 is used to display the open orders according to different parameters." Buist 6,408,282 col. 13 Lines 21-25);

wherein the cancel instruction specifies the internal order identifier. ("The application, at step 2420, populates the master trade screen and trade ticket (see FIGS. 5 & 11) with information from the open order screen. At step 2425, the user changes information in the trade ticket, checks the final total cost of the trade, and, at step 2430, selects "Order Verification." Buist 6,408,282 col. 20 Lines 48-53)

As per claim 27, Buist 6,408,282 teaches a system of Claim 23, wherein the processor: receives a first termination message indicating that the market center has terminated at least a portion of the trading order, the first termination message specifying the internal trading order ("First, the user makes the decision, at step 2410, to cancel an order in the open orders file. The user then, at step 2415, selects the stock from the open orders display (see FIGS. 5 & 7) and selects the "Cancel" button 730. Buist 6,408,282 col. 10



Lines 44-48); determines the external order identifier associated with the internal order identifier ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25); and generates a second termination message for communication to a trader associated with the trading order, the second termination message specifying the external order identifier and indicating that the market center has terminated at least a portion of the trading order ("The application transmits the user's request to the replica server which, in response, transmits information to the application concerning the price of the stock in different markets. The replica server continues to transmit that information in real-time until it receives notice from the application to terminate the transmission." Buist 6,408,282 col.24, Lines 16-22)

As per claim 28, Buist 6,408,282 teaches a system of Claim 23, wherein the trading order specifies at least one of a bid request and an offer request for a trading product, the trading order further specifying a quantity for the trading product. ("FIG. 47 illustrates how a user makes an offer to sell and then receives buy counteroffers. In the example, the user is RON-3. The user has made a sell offer 4710, which is displayed in the Incoming negotiations screen 4210. The user is offering to sell 2000 shares of the stock whose symbol is "T" 4750, at a price per share of 152.5, and would prefer to have 10 minutes to consider counteroffers." Buist 6,408,282 col.31, Lines 48-54)

As per claim 29, Buist 6,408,282 teaches a system of Claim 23, wherein the time threshold specifies a length of time that is a predetermined amount of time less than the length of time the market center will process the trading order before charging a transaction cost. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62) The user can thus adjust the time limit to correspond to the transaction time criteria of any given trade provider.

As per claim 30 Buist 6,408,282 teaches a system of Claim 29, wherein the predetermined amount of time comprises ten seconds. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62) The user can thus adjust the time limit to correspond to the transaction time criteria of any given trade provider.

As per claim 31, Buist 6,408,282 teaches a system of Claim 23, wherein the order instruction is communicated substantially simultaneously with the cancel instruction. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62). It is inherent that as computational speeds increase the user is able to shorten the time selected.

As per claim 32, Buist 6,408,282 teaches a system of Claim 23, wherein the time threshold is further associated with the market center that is processing the trading order. ("The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120." Buist 6,408,282 col. 28 Lines 54-62.) The user can thus adjust the time limit to correspond to the transaction time criteria of any given trade provider.

33. The system of Claim 23, wherein the processor: receives a first acknowledgment message indicating that the market center has filled at least a portion of the trading

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order, the first acknowledgment message specifying the internal trading order; determines the external order identifier associated with the internal order identifier ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25); and

generates a second acknowledgment message for communication to a trader associated with the trading order, the second acknowledgment message specifying the external order identifier and indicating that the market center has filled at least a portion of the trading order. ("The applications receive this sell offer and, at step 370, display the offer in the order book displays of the subscribed users. Although the order book information is provided from the appropriate replica server, the account information is preferably provided from the broker/server system." Buist 6,408,282 col. 10 Lines 21-25)

### ***Conclusion***

6. The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ferstenberg (US 5,873,071) shows software processes distributed on one or more computer systems that exchange messages in order to facilitate an intermediated exchange of financial commodities between a plurality of participants. The messages

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are exchanged according to a preferred protocol that leads to a satisfactory exchange that meets the objectives of the participants, and that substantially maximizes in a fair manner the total amount of financial commodities exchanged. Optionally, the invention employs heuristic rules in association with the preferred protocol that adapt the protocol to the time and exchange requirements of financial commodities. In other embodiments, this invention is equally applicable to the exchange of any tangible or intangible commodities. In a general embodiment, this invention further includes a preferred message-exchange protocol for the construction of computer programs representing exchange participants and an intermediary. These constructed computer programs exchange messages such that a satisfactory intermediated exchange of commodities is substantially certain to be achieved.

Patterson (US 5,915,245) shows a method of managing the activities of one or more floor brokers situated on the floor of an exchange. The method uses a programmed computer to compare a relative number of instructions having a pending status that have been delegated to the floor brokers and find the floor broker having comparatively few pending instructions. The computer then delegates a further instruction to the floor broker that has been found. Typical instructions that may be managed by the inventive method may be quotation requests, quotations, orders, partial executions, and executions. A related method enables an operator to delegate instructions to one of plural floor brokers by providing the operator with a computer and the floor brokers with two-way communication devices and by receiving at the operator's computer current-

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status information on any delegated instructions and automatically displaying that information at the computer.

Guterman (US 5,297,031) shows a broker workstation for managing orders in a market for trading commodities, securities, securities options, futures contracts and futures options and other items including: a device for selectively displaying order information; a computer for receiving the orders and for controlling the displaying device; and a device for entering the orders into the computer; wherein the displaying device comprises a device for displaying selected order information about each incoming order, a device for displaying a representation of an order deck and a device for displaying a total of market orders. In another aspect of the invention, there is provided in a workstation having a computer, a device for entering order information into the computer and a device for displaying the order information entered, a method for managing orders in a market for trading commodities, securities, securities options, futures contracts and futures options and the like comprising the steps of: selectively displaying order information incoming to the workstation; accepting or rejecting orders corresponding to the incoming order information displayed; displaying accepted order information in a representation of a broker deck; and selectively displaying a total of orders at the market price.

Minton (US 6014643) shows a first individual entering an offer to sell a security on a first data processing system. This offer is sent to a server over a communication

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network which is available to the public. From the server, the offer is transmitted to additional data processing systems which are connected to the publicly-available communication network. The first user's offer is eventually sent to a second data processing system, where a second individual enters an acceptance to the first user's offer to sell a security. This second user's acceptance is then transmitted back to the server over the publicly-available communication network. Upon the arrival of the acceptance, an account belonging to the second user is debited for the amount of the security just purchased, and the second user obtains title to the securities.

Hawkins (US 6,247,000 B1) shows a Crossmar Matching Service (CMS) providing a method and system for matching order routing of securities and other instrument types, and for matching other transaction information on a post-execution basis, such as during the confirmation and settlement phase. The functions of the present invention occur on the post-execution side of the value chain and include matching the financials, matching the delivery instructions, and confirming those deliveries and instructions. The method and system of the present invention thus further provide a confirmation and settlement system for these functions.

May (US 6,421,653 B1) shows an internet-protocol based anonymous trading system which enabling traders to identify bids and offers which they are eligible to trade based upon a color coded methodology which gives the trader credit preference information about the potential counterparty while still maintaining the anonymity of the potential

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counterparty. To that end, each bid or offer is prescreened against all possible counterparties' credit information in the system and each counterparty sees a unique color coded trading interface based upon their particular credit preference combinations and the others in the system. The system then shows all prices in the system, and the color-coding tells the trader which prices he is able to trade, and also shows him the full depth of the market, including those the trader is unable to trade.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Vizvary  
Patent Examiner, A.U. 3609  
January 18, 2008

A handwritten signature in black ink, appearing to read 'T. Dixon', is written over a printed nameplate.

THOMAS A. DIXON  
SUPERVISORY PATENT EXAMINER

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date : 1/29/2004, 11/18/2005, 3/3/2006, 12/28/2006, 1/11/2007, 2/16/2007, 4/9/2007, 5/17/2007, 1/15/2007, 11/27/2007 & 12/11/2007.